

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 TINA BRADWAY, Individually and as
6 Administratrix of the Estate of
7 TONY BRADWAY,

8 Plaintiff,

9 -against-

10 Civil Action No.
11 CV-09 3177

12 THE TOWN OF SOUTHAMPTON, LINDA A. KABOT,
13 and JOHN DOES 1-10 Consisting of
14 Individuals to be Determined,

15 Defendants.
16 -----X

17 May 17, 2010
18 10:43 a.m.

19 110 Old Riverhead Road
20 Hampton Bays, New York

21 DEPOSITION of TOWN OF SOUTHAMPTON, a
22 Defendant herein, by SERGEANT JAMES KIERNAN,
23 taken by the Plaintiff, pursuant to Federal
24 Rules of Civil Procedure, and Notice, held at
25 the above-mentioned time and place, before Lori
Anne Curtis, a Notary Public of the State of New
York.

1 Sgt. J. Kiernan

2 Officer Kiernan to the scene at 18 Greenfield
3 Road, but that's not the case?

4 A No.

5 Q It was Sergeant Joyce, or you
6 don't know?

7 A No, I asked Sergeant Joyce. He
8 picks who he wants.

9 Q Okay, so then is the chain of
10 command, you received the call from Officer
11 Sickles; you told Sergeant Joyce "We need an
12 officer to go to X address," and that's how it
13 happened?

14 A That's how it happened. I believe
15 he told me it was already done by the time I
16 asked him.

17 Q Okay.

18 Are there any steps or protocols
19 that the officers under your command take if
20 it's believed that an arrestee or a person has
21 ingested narcotics?

22 A Most arrestees that we have have
23 ingested alcohol or narcotics. There's no
24 specific steps.

25 Q So it's not every person that you

1 Sgt. J. Kiernan

2 arrest that you may believe has ingested a
3 narcotic to bring them to the hospital?

4 A No.

5 Q So it's done, I assume, on a
6 case-by-case basis?

7 A Anyone in distress would be
8 brought to the hospital.

9 Q Okay.

10 Other than Officer Sickles, did
11 you speak to any of the other officers that were
12 at the scene?

13 A Yes.

14 Q And I want to clarify my question.
15 Did you speak to any of those
16 officers on the day of the arrest or was that
17 subsequent?

18 A No, on the day of the arrest.

19 Q Did they call you on the cell
20 phone like Officer Sickles, or was the
21 conversation in some other manner?

22 A No, I spoke to the people who work
23 for me face to face.

24 Q And that's, I would assume, some
25 sort of normal debriefing at the end of the day?

1 Sgt. J. Kiernan

2 Is that how it occurred?

3 A No. It was not at the end of the
4 day. It was after this case -- it was during
5 this case, or...

6 Q Okay, so let me just do it then in
7 order.

8 Did you speak, with, for example,
9 Officer Cagno on the date of the arrest about --

10 A I'm trying to remember whether it
11 was that day or the day after that I spoke to
12 him.

13 Q Just so we're not misunderstanding
14 each other, what I'm trying to find out from you
15 is if you spoke to any of the other officers at
16 the scene on the day of Mr. Bradway's arrest
17 about Mr. Bradway, not about where they are
18 going to go for dinner that night, but about
19 what happened.

20 A I think it was just Cagno and
21 Sickles, but I don't remember if Cagno was that
22 day. I know Sickles was that day.

23 Q And do you have any specific
24 recollection as to when you spoke to Officer
25 Cagno about Mr. Bradway's arrest?

1 Sgt. J. Kiernan

2 A When, you mean?

3 Q Yeah.

4 A It was probably the next day.

5 Q But I want to know that you have a
6 specific recollection, or that you're -- I don't
7 mean this the wrong way -- that you are just
8 guessing. I want to know you are not guessing.

9 A Well, I'm his supervisor. I'm
10 going to read his supplementary report, so I'll
11 probably ask him, at some point, what happened.

12 Q But as you sit here today, you
13 don't have a specific memory of --

14 A Some things I do remember.

15 Q And what do you remember about
16 Officer Cagno?

17 A I remember him being the person
18 that noticed that Mr. Bradway was trying to
19 destroy the evidence.

20 Q Okay.

21 Did any of the officers that were
22 at the scene -- and I'm just speaking about the
23 day of the arrest -- did any of the other
24 officers that were at the scene communicate to
25 you in any way that Mr. Bradway was under the

1 Sgt. J. Kiernan

2 influence of a narcotic?

3 A No.

4 Q And when -- I know Mr. Bradway
5 arrived in the detention area and Officer
6 Kiernan testified about that earlier today, you
7 had also entered the detention area; correct?

8 A Yes.

9 Q What was your first impression, if
10 you could remember, about Tony Bradway's
11 physical or mental condition?

12 A I had no impression.

13 Q He seemed normal?

14 A Yes.

15 Q And you testified earlier that you
16 started to go over his pedigree?

17 A Yes.

18 Q And I assume that means name,
19 address, date of birth, relatives, et cetera?

20 A Right.

21 Q And during the course of asking
22 him about his pedigree, did you have -- did it
23 appear to you that Mr. Bradway was under the
24 influence of some narcotic?

25 A No.

1 Sgt. J. Kiernan

2 Q So what led you to reach the
3 decision that Mr. Bradway should be brought to
4 the hospital?

5 A His inconsistent answers to me.

6 Q So at some point you came to the
7 conclusion that he needed some sort of medical
8 assistance?

9 A He should get medical assistance,
10 yes.

11 Q Okay.

12 Did Officer Kiernan, when you met
13 him in the detention area, say anything to you
14 that happened in the car ride from the scene to
15 headquarters?

16 A No.

17 Q And do you recall what time
18 Mr. Bradway was taken to the hospital?

19 A It was approximately 11:30 in the
20 morning, around there.

21 Q Okay.

22 And do you recall who took him to
23 the hospital?

24 A PO Sickles.

25 Q Is there any reason why Officer

1 Sgt. J. Kiernan

2 Sickles took him to the hospital rather than
3 somebody else?

4 A There was nobody there but me and
5 Mr. Bradway, and PO Sickles works for me, so I
6 used somebody who works for me.

7 Q Okay.

8 Before Officer Kiernan had left
9 the detention area, had you reached the
10 conclusion that Mr. Bradway needed to be taken
11 to the hospital?

12 A No.

13 Q Was Officer Sickles directed to
14 transport Mr. Bradway to the hospital because he
15 had deployed the Taser?

16 A No.

17 Q And at the time you concluded that
18 Mr. Bradway should be taken to the hospital, did
19 you call Officer Sickles on his cell phone?

20 A Yes.

21 Q Okay.

22 And approximately how long did it
23 take for Mr. Sickles -- for Officer Sickles to
24 arrive at headquarters after you called him?

25 A I'm guessing less than 20 minutes.

1 Sgt. J. Kiernan

2 Q When you called Officer Sickles to
3 direct him to come back to headquarters to
4 transport Mr. Bradway to the hospital, did you
5 speak about anything other than him transporting
6 Mr. Bradway to the hospital?

7 A Yes.

8 Q What did you talk about?

9 A We may have to force him.

10 Q Okay.

11 And why was that?

12 A Mr. Bradway refused to go.

13 Q And did Mr. Bradway tell you why
14 he was refusing to go?

15 A One of his reasons was he had
16 relatives at the hospital. Another -- he just
17 said he didn't want to go and told me it was his
18 right not to go, and I kept informing him that
19 he needed to go and was going to go one way or
20 the other.

21 Q And eventually, I assume, he
22 agreed to go?

23 A At the very last moment, before we
24 put our hands on him to make him go, he
25 complied.